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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,379	10/12/2005	Frank Hundscheidt	P16406US1	1983
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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER DENNISON, JERRY B	
			ART UNIT	PAPER NUMBER
			2443	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,379

Applicant(s)

HUNDSCHIEDT ET AL.

Examiner

J Bret Dennison

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,13,14 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,13,14 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/US)
Paper No(s)/Mail Date electronically filed 2/23/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This Action is in response to the Amendment for Application Number 10/521,379 received on 2/13/2009.
2. Claims 1-2, 4, 6-10, 13-14, 17-22 are presented for examination.
3. The prosecution for this case has been transferred to another Examiner. All corresponding communications should be directed to Examiner's contact information, provided below.

Claim Objections

4. Claim 6 is objected to because of the following informalities: Claim 6 recites the limitation, "further comprising the floor controller conferring direct access to the data source and floor control, temporarily to one [of] the group of network components", which is missing the indicated word. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 17 recites a network component that comprises a user interface. As such, the network component is made up of a user interface without any hardware recited in the claim, and is therefore interpreted as strictly software.

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

M.P.E.P. 2601.1 Section I states, "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material."

Claims 17-22 do not provide the computer-readable medium needed to realize the program's functionality. As such, claims 17-22 are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1-11, 13, 14 and 17-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Wei et al. (JMS: A Flexible Collaborative Environment).

3. In view of claim 1, the Wei et al. reference teaches a method of controlling a floor controller belonging to a group of network components in a communications network including a group of network components which are configured to receive a data stream from a data source, the method comprising the steps of:

the floor controller selecting from the group of network components a network component for controlling the data source (see figure 2 and page 197 left column paragraphs 2-6, and right column, second paragraph: the JMS client whose floor manager has the floor control and is therefore the floor controller which takes the session control action according to the floor policy, e.g. chair guidance or first-come-first-serve grants the floor to the floor requesting user client, the JMS client being the

JMS client of the floor controller and is thus selecting the JMS client of the floor controller to be the floor holder; only the JMS client which has the floor, the floor holder, has the right to control the application session on all other user clients and therefore has the session control over the local application tool and all remote application tools);

receiving a control instruction from one of the group of network components, the control instruction relating to a control of the data source (see figure 2 and page 198 right column paragraph 2 lines 18-40 receiving a coupling event from the application tool of the floor holder at the JMS client of the floor holder, which is the selected JMS client of the floor controller, the coupling event controls the application tool of the user client who is the floor holder by feeding it back from its JMS client by means of the floor manager and it control also the application tools of the other user clients; see page 201, right column, paragraph 4 with page 199, left column, third paragraph: coupling events like start, stop, pause); and in response to receipt of the control instruction from the one of the group of network components, triggering transformation of the control instruction into an appropriate session control command and forwarding the session control command to the data source (see page 198 left column paragraph 2, right column paragraph 2, upon receiving the coupling event at the JMS client of the floor holder – which is the selected JMS client of the floor controller- sending the coupling event back to the application tool of the floor holder; see also page 201, right column, paragraph 4 with page 199, left column, third paragraph, only the JMS client which has the floor, the floor holder, has the right to control the application session on all other user clients and

therefore has the session control over the local application tool and all remote application tools).

4. In view of claim 2, the Wei reference teaches the method of claim 1, wherein the control instruction relates to a control of the data stream (see figure 3 page 199 right column paragraph 1 lines 12-15 wherein an example coupling event controls all operations of a whiteboard application; also page 201 right column paragraph 4 wherein an example coupling event involving an application media player includes control instructions like 'stop' of a media stream).

5. In view of claim 4, the Wei reference teaches the method of claim 1, wherein the data stream belongs to a streaming or gaming or gambling session initiated by the floor controller (see figure 4 and page 200 right column paragraph 3 wherein the data stream belongs to a gaming session initiated by the floor controller).

6. In view of claim 5, the Wei reference teaches the method of claim 1, wherein the floor controller confers at least one of a direct access to the data source and floor control at least temporarily to one of the network components of the group of network components (see page 197 right column first paragraph wherein the floor controller can be enforced to transfer between participants in a turn-taking policy; also see top of page 200 paragraph 1-2 wherein each participant in a conference can take floor control from the floor controller upon request in the chair-guidance policy).

7. In view of claim 6, the Wei reference teaches the method of claim 1, wherein the floor controller passes control of the data source by instructing one of the network components to take over session control or upon receipt of a request for

session control from one of the network components (see top of page 200 paragraph 1-2 wherein floor controller passes control upon a request for session control of the application initiated; also see figure 3 for release flow button in floor control panel to release control).

8. In view of claim 7, the Wei reference teaches the method of claim 1, wherein a session control channel for receiving control instructions is established only between the floor controller and the selected network component of the group of network components (see figure 2 and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer thread enables application tools to share one communication channel without interfering with each other for sharing coupling events).

9. In view of claim 8, the Wei reference teaches the method of claim 1, wherein session control channels for receiving control instructions are established between the floor controller and two or more network components of the group of network components (see figure 2 and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer and demultiplexer threads enable multiple application tools, which are connected to the session manager, to share one communication channel without interfering with each other for sharing and receiving coupling events).

10. In view of claim 9, the Wei reference teaches the method of claim 1, wherein for floor control purposes a floor control channel is established between the floor controller and at least one of the network components (see figure 2 and page 197 paragraph 3, wherein a network component [JMS client] is floor holder through the use of application tools and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer and

demultiplexer threads enable multiple application tools, which are connected to the floor manager, to share one communication channel without interfering with each other).

11. In view of claim 10, the Wei reference teaches the method of claim 1, wherein the floor controller performs at least one of an authentication and authorization relating to at least one of the network components and control instructions (see page 198 right column paragraph 2 lines 27-32 and 38-40 wherein the floor manager of the floor controller checks to see if the user holds floor control to determine whether or not the user is authorized to send the coupling event).

12. In view of claim 13, the Wei reference teaches a floor controller of a communications network including a group of network components which are configured to receive a data stream from a data source, the floor controller comprising: a selection unit for selecting the network component which is to control the data source (see figure 2 and page 197 left column paragraph 2 lines 12-22 for floor manager); a first interface for receiving control instructions from one or more of the network components, the control instructions relating to a control of the data source (see figure 2 and page 198 left column paragraph 2 lines 19-22 for multiplexer receiving coupling events); and a second interface for triggering, in response to receipt of control instructions, the transmission of corresponding session control commands to the data source (see figure 2 and page 198 right column lines 22-35 for demultiplexer in response to receiving coupling events, sending the events to the server).

13. In view of claim 14, the Wei reference teaches the floor controller of claim 13, wherein the floor controller is a mobile or stationary terminal or wherein the floor

controller is configured as a proxy component or wherein the floor controller is co-located with the data source (see figure 2 and page 197 paragraph 5 lines 25-28 wherein the floor controller [JMS client A or B] is a hardware system).

14. In view of claim 17, although not given any patentable weight in part to the claim objection above, the Wei reference teaches a user interface (see figure 2 and page 198 paragraphs 3-4 for graphical user interface) of a network component belonging to a group of network components which are configured to receive a data stream from a data source, the user interface comprising: a first control element for controlling the data source, the first control element being adapted to be activated to generate a control instruction which is sent to a floor controller selecting the network component that is to control the streaming source, the control instruction prompting the floor controller to trigger transmission of a corresponding session control command to the data source (see figure 2 and page 198 paragraphs 3-4 for session manager module used for tool integration and wherein the application tool would send the coupling events to the floor controller and then to the JMS server).

15. In view of claims 18, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a second control element for requesting session control, the second control element being adapted to be activated to generate a request for session control which is sent to the floor controller and prompts the floor controller to confer session control to the network component which requested session control (see figure 3 and top of page 200 paragraph 1-2 for floor control panel and request flow button in the floor control

panel wherein the floor control panel is associated with session control and a user can request control of the application).

16. In view of claim 19, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a third control element for requesting floor control, the third control element being adapted to be activated to generate a request for floor control which is sent to the floor controller and prompts the floor controller to confer floor control to the network component which requested floor control (see figure 3 and top of page 200 paragraphs 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and request flow button in the floor control panel and wherein a user can request control through the floor control panel).

17. In view of claim 20, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a fourth control element for requesting direct access to the data source, the fourth control element being adapted to be activated to generate a request for direct access which is sent to the floor controller that prompts the owner of that direct access to confer direct access to the network component which requested direct access (see figure 3 and top of page 200 paragraph 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and request flow button in the floor control panel wherein a user can take control through the floor control panel).

18. In view of claim 21, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further

comprising a fifth control element being adapted to be activated to instruct one of the network components to take over at least one of a session control, floor control, and direct access to the data source (see figure 3 and top of page 200 paragraph 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and release flow button in the floor control panel, wherein a user can release control through the floor control panel to one of the network components).

19. In view of claim 22, the Wei reference teaches the user interface of claim 17, further comprising an indicator element for indicating to an operator of the network component that at least one of session control, floor control, and direct access has been conferred to him or to an operator of another network component (see figure 3 and top of page 200 paragraph 1 for floor control panel and release flow button in the floor control panel and wherein a user can release control through the floor control panel to one of the network components).

Response to Amendment

Applicant's arguments and amendments filed on 2/13/2009 have been carefully considered but they are not deemed fully persuasive.

Applicant argues "The Wei reference fails to disclose a designated floor controller selecting a network component to control a data source" and "Wei also fails to disclose that the floor controller receives a control instruction from a previously selected network component and that the control instruction triggers the transmission of a transformed session control command to the data source [Response, page 9].

Examiner respectfully disagrees.

Examiner notes that while the claims recite the steps of receiving, triggering, and forwarding, the claims do not indicate what specific devices are performing these steps. For example, the step of transforming and forwarding could simply be interpreted as receiving a TCP/IP packet and performing protocol processing on the packet before passing it to the data source. The claims have been given their broadest reasonable interpretation consistent with an interpretation that those skilled in the art would reach. See MPEP § 2111. See also *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004) ("While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow") Further, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Upon receiving the coupling event at the JMS client of the floor holder – which is the selected JMS client of the floor controller- sending the coupling event back to the application tool of the floor holder. Only the JMS client which has the floor, the floor holder, has the right to control the application session on all other user clients and therefore has the session control over the local application tool and all remote application tools (see page 198 left column paragraph 2, right column paragraph 2, see also page 201, right column, paragraph 4 with page 199, left column, third paragraph).

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2443

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443